

# Notice of Allowability

Application No.

10/680,465

Examiner

David D. Le

Applicant(s)

WILLIAMS, RANDOLPH C.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 April 2004.
2. ☒ The allowed claim(s) is/are 1-4,6-11 and 13-16.
3. ☒ The drawings filed on 07 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

This is the second Office action on the merits of Application No. 10/680,465, filed on 07 October 2003. Claims 1-4, 6-11, and 13-17 are pending.

#### **Documents**

1. The following documents have been received and filed as part of the patent application:
  - Declaration and Power of Attorney, received on 10/07/03
  - Information Disclosure Statement, received on 10/07/03

#### ***Election/Restrictions***

2. This application is in condition for allowance except for the presence of claim 17 drawn to an invention non-elected without traverse. Accordingly, claim 17 has been cancelled.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney, Philip E. Rettig, on 08 July 2004.

The application has been amended as follows:

- Claim 17 has been cancelled.
- Claim 1, line 13, replace the phrase "can be" with --is--.
- Claim 11, line 16, replace the phrase "can be" with --is--.

*Allowable Subject Matter*

4. Claims 1-4, 6-11, and 13-16 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claim 1:

The prior art of record fails to show or render obvious a power transfer apparatus for use in a four-wheel drive motor vehicle comprising a first rotary member, a second rotary member, a bi-directional overrunning mode clutch, and a shift mechanism; wherein the bi-directional overrunning mode clutch includes a mode actuator having a lug extending into said actuation slot and which is circumferentially indexed relative to the second ring between a first mode position and a second mode position to establish corresponding AUTO and LOCK modes, as recited in the claim.

Claim 11:

The prior art of record fails to show or render obvious a transfer case comprising an input shaft, a reduction unit, a first output shaft, a second output shaft, a range actuator, a bi-directional overrunning mode clutch, and a shift mechanism; wherein the bi-directional overrunning mode clutch includes a mode actuator having a lug extending into said actuation slot and which is circumferentially indexed relative to the second ring between a first mode position and a second mode position to establish corresponding AUTO and LOCK modes, as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

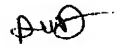
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ddl

  
**CHARLES A. MARMOR**  
SUPERVISORY PATENT EXAMINER  
ART UNIT 3681